

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA		DOCKET 6:15CR40, 6:16CR41
		FEBRUARY 21, 2017
VS.		4:03 P.M.
LAQUAYLAN W. PATTERSON		BEAUMONT, TEXAS

VOLUME 1 OF 1, PAGES 1 THROUGH 73

REPORTER'S TRANSCRIPT OF SENTENCING HEARING

BEFORE THE HONORABLE RON CLARK,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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1 (OPEN COURT, DEFENDANT PRESENT.)

2 THE COURT: All right. I call Laquaylan
3 Wesley Patterson, Number 6:15cr40 and Number 6:16cr41.

4 Is the government ready?

5 MR. NOBLE: Good afternoon, your Honor. Jim
6 Noble for the United States. We're ready to proceed.

7 THE COURT: And is the defendant ready?

8 MR. LEVINE: Good afternoon, your Honor.
9 Michael Levine for the Defendant Patterson with Omar
10 Nawaz.

11 If I may briefly, your Honor, apologize to the
12 court. We're mortified. I don't know how this happened.
13 I can't apologize enough to you, the government, to all
14 of the parties and the staff. It's about the most
15 terrible thing I've had happen in court.

16 THE COURT: All right.

17 MR. LEVINE: Sorry, your Honor.

18 THE COURT: All right. But you're ready to
19 proceed now, right?

20 MR. LEVINE: I am ready to proceed, your
21 Honor. Yes, sir.

22 THE COURT: Okay. Then have you read the
23 revised PSI in this case -- that December 7, 2016, PSI --
24 and discussed it with your client?

25 MR. LEVINE: Yes, your Honor. I believe

1 Mr. Nawaz has discussed it with Mr. Patterson.

2 THE COURT: Okay. This is federal court,
3 which is different than state; so, you will want to stand
4 when you speak.

5 MR. LEVINE: I'm sorry, your Honor. I'm used
6 to all of the cameras in Sherman. They tell you to sit.
7 I'm sorry. I apologize, your Honor.

8 THE COURT: Well, all right, then, Mr. Nawaz,
9 I guess I'll have to ask you. Did you read the
10 Presentence Investigation Report and discuss it with your
11 client?

12 MR. NAWAZ: Your Honor, the presentence report
13 has been mailed to Mr. Patterson and received by
14 Mr. Patterson and discussed with Mr. Patterson but over
15 the phone, your Honor, only.

16 THE DEFENDANT: Over the phone, really?

17 THE COURT: Okay. I guess I need to be sure
18 that an attorney has discussed -- let me ask both of you,
19 then. Has one of you read the December 7, 2016,
20 Presentence Investigation Report and discussed it with
21 your client?

22 MR. NAWAZ: Yes, your Honor.

23 THE COURT: All right. Do you believe he
24 understands it?

25 MR. NAWAZ: Yes, your Honor.

1 THE COURT: All right. Mr. Patterson, would
2 you please stand, sir.

3 Sir, have you read the Revised Presentence
4 Investigation Report -- that's the one dated December 7,
5 2016 -- and discussed that with one or the other of your
6 attorneys?

7 THE DEFENDANT: I've read it, your Honor; but
8 I haven't discussed it with either one of my attorneys.
9 I haven't seen an attorney since September 8th, your
10 Honor.

11 THE COURT: I didn't -- say that again and
12 speak just a little slower because with the microphone,
13 it's --

14 THE DEFENDANT: I haven't seen a lawyer since
15 September 8th during the PSI investigation. The guy came
16 out there and did the investigation. Last time I talked
17 to a lawyer --

18 THE COURT: Okay.

19 THE DEFENDANT: -- was September 8th. I've
20 got a visitation log over at the Gregg County Jail if you
21 would like to check it. I've got telephone --

22 THE COURT: Okay. You can go ahead and be
23 seated, sir. Thank you.

24 THE DEFENDANT: All right. Thank you.

25 THE COURT: Well, let me ask counsel, since

1 that's actually the first question -- or since I was --
2 that's the first question I always have to ask is -- and
3 ensure that there has been some communication between
4 counsel and the client. Let me hear your position on it.

5 MR. NAWAZ: Yes, your Honor. There has been
6 communication between counsel and the client, your Honor.
7 Now, communication in my mind, judge, does not
8 necessarily mean that the client is happy, satisfied, and
9 is wanting what is being said.

10 And if I might be so bold, your Honor, during
11 the pendency of the case in the Eastern District of Texas
12 in this division, in the Tyler Division, while
13 Mr. Patterson was in Longview, I personally visited him
14 several times there. I also had mail correspondence with
15 him there. He has copies of a substantial, if not all,
16 of his discovery which I took to him personally and
17 mailed to him there. I took the Plea Agreements to him
18 in Longview personally. I personally attended the PSR.
19 I personally gave him e-mail correspondence between
20 myself, Mr. Levine, and the criminal chief in the
21 Northern District of Texas because as the government
22 prepared for trial here in Tyler -- which the court
23 graciously moved for me as I had two procedures performed
24 last summer at MD Anderson in Houston. The government
25 came by my office in Dallas, Texas, Mr. Noble along with

1 an agent; and we discussed the case there as well.

2 They recovered DNA allegedly in a bank robbery
3 that fit a similar M.O., and they were attempting to
4 deduce that evidence at trial. So, I gave Mr. Patterson
5 notice of that evidence that had been found and we
6 discussed his options and then from there we set about,
7 in Dallas, negotiating with the trial chief in the
8 Northern District to send a Rule 20 over here so that
9 these cases may run concurrently, or at the same time.

10 So, to answer your question, judge, I don't
11 mean to be coy with the court at all, your Honor, because
12 you deserve a direct answer; and Mr. Patterson does as
13 well. But communication with Mr. Patterson has been
14 made. And I think what Mr. Patterson is referring to, if
15 I might address it, your Honor, is that he had asked for
16 a meeting with Mr. Noble after we had signed the Plea
17 Agreements, after the pleas had been accepted by the
18 magistrate; and ostensibly the meeting with Mr. Noble was
19 to discuss some sort of collaboration or cooperation.

20 In the interim, your Honor -- I know you see a
21 lot of people. But I appeared here before on a different
22 individual and was given a very good example by which the
23 court and the government here in Tyler measures
24 cooperation or collaboration and what is going to qualify
25 for some sort of reduction, what's going to at least fit

1 the minimal requirements for the committee that the
2 prosecutor here uses in order to file a motion to reduce
3 time based on substantial assistance.

4 Not having any information on my client's
5 behalf that rose to the level of an arrest or
6 prosecution, I unilaterally decided not to set a meeting
7 between Mr. Patterson and Mr. Noble because I did not
8 believe we had any sort of information that would lead to
9 an arrest or prosecution; and I certainly didn't have any
10 information that would have led to a motion for a 5K1 in
11 this scenario, your Honor. So --

12 MR. LEVINE: Your Honor, may I add one thing
13 to clarify in regards to the PSRs? They are identical.
14 The initial disclosed PSR and the revised are verbatim
15 with the exception, I believe, of the manner in which
16 they set forth the special conditions. But as far as
17 substantively there are no alterations, your Honor; and
18 there were no objections by either party in the interim
19 between the original disclosure and the amended. Thank
20 you.

21 THE COURT: Okay. Then given that, did
22 somebody discuss with Mr. Patterson the initial one? I'm
23 trying to get out that somebody has. I mean, you say
24 he's gotten copies of it. Did someone discuss it with
25 him?

1 THE DEFENDANT: No. No, sir.

2 THE COURT: Wait, wait.

3 THE DEFENDANT: No, sir.

4 THE COURT: I want to hear from counsel. I
5 mean --

6 THE DEFENDANT: All right.

7 THE COURT: -- did someone discuss either --

8 MR. NAWAZ: Yes, your Honor. In a word, yes,
9 your Honor.

10 THE COURT: Okay. By phone? I mean, how did
11 that happen?

12 MR. NAWAZ: Yes. Yes, your Honor, by phone.

13 THE COURT: Okay. To the facility where he
14 was being held?

15 MR. NAWAZ: To a phone call that he had made
16 collect to my office, your Honor, and also to a phone
17 call he had made to my phone where I had opened the
18 account that allowed calls to be made, so at
19 (214)741-6500 and (214)641-1740, your Honor.

20 THE COURT: And, Mr. Levine, you brought up
21 the October report. Had you had some discussion with
22 Mr. Patterson about it, or how did that strike your eye
23 on that one?

24 MR. LEVINE: Your Honor, I have not discussed
25 either PSR with him. I've looked at both PSRs. Omar and

1 I are partners and have been for 13 years or 14 years,
2 and I was assisting him on this case. I was assisting
3 him in the negotiations with the government in the
4 Eastern District and the Northern District; and when he
5 was having surgery, I appeared for him so that we could
6 accomplish the plea, your Honor.

7 THE COURT: All right.

8 MR. LEVINE: But I have reviewed both PSRs,
9 and I have met Mr. Patterson before. I cannot tell the
10 court that I have ever discussed the PSRs with him,
11 though, given my knowledge that I know Omar would

12 THE COURT: Okay.

13 MR. LEVINE: We've handled dozens and dozens
14 of cases. It would just be our practice; and he told me
15 he did, your Honor.

16 THE COURT: All right. Now, Mr. Patterson --
17 and please stand, sir.

18 I hear you're saying that they didn't meet
19 with you, but Mr. Nawaz just said that he discussed the
20 report with you over the phone.

21 THE DEFENDANT: Over the phone.

22 THE COURT: Okay.

23 THE DEFENDANT: That means it should have been
24 recorded, right?

25 THE COURT: I'm sorry?

1 THE DEFENDANT: That means there should be a
2 recording, right? When I call out, it says that every
3 phone call made is being recorded; so, there should be a
4 recording.

5 THE COURT: Well, it may or may not be. I
6 don't know that for sure.

7 THE DEFENDANT: Well, it says it every time I
8 make a phone call out, sir.

9 THE COURT: Okay. That's a statement -- or a
10 question to me, but I'm asking you a question. Are you
11 saying that they did not talk with you on the phone?

12 THE DEFENDANT: No, sir. I haven't seen a
13 judge -- I haven't seen him since September 8 when they
14 came and did my PSI, your Honor.

15 THE COURT: Okay. But that's not my question.
16 My question is: Are you saying he did not talk with you
17 on the phone?

18 THE DEFENDANT: No, he did not, sir.

19 There should be a recording. I mean, there
20 should be a recording. I mean, he should be able to pull
21 it up if it was.

22 Matter of fact, I mean, that's how Mr. Noble
23 got the phone records saying that a unknown phone was
24 mine. He went to Gregg County and pulled up records and
25 listened to phone calls and all that. I mean, why

1 shouldn't it be able to be seen right now? I mean, you
2 know what I'm saying? That's how he was able to say that
3 a cell phone was mine that was not even in my name. He
4 went about pulling those phone numbers that was in that
5 cell phone and knowing that I was calling from Gregg
6 County and -- (indiscernible) -- am I right or wrong?

7 Am I right or wrong?

8 THE COURT: Okay. Mr. Patterson, again,
9 you're not asking questions here.

10 THE DEFENDANT: Yes --

11 THE COURT: Okay?

12 THE DEFENDANT: Yes, sir. Yes, sir. I'm not
13 trying to --

14 THE COURT: Sir, wait.

15 THE DEFENDANT: -- but I'm --

16 THE COURT: Hold on just --

17 THE DEFENDANT: -- just --

18 THE COURT: -- one second, sir. Just hold on.

19 THE DEFENDANT: Yes, sir. Yes, sir.

20 THE COURT: Well, it becomes a little more
21 difficult because Mr. Levine was late. But what I'm
22 going to order right now is -- you're all together in one
23 spot. Counsel, I want you to discuss this PSR with him;
24 and if he has any questions -- or his PSI. And if he has
25 any questions about it, go over it with him. I'm going

1 to give you 30 minutes to go do that, and then we're
2 going to go ahead and have this sentencing hearing.

3 Now, this may wind up making the sentencing
4 hearing run a little bit past 5:00; and, so, I'm going to
5 ask the clerk to contact the CSOs or whoever is needed to
6 be sure that the courtroom can be open and secure. But
7 there doesn't seem to be any point in dragging this on
8 many more days.

9 So, at this point we're going to take a
10 recess. Counsel, what I'm going to ask is for the U.S.
11 Attorney and the government (sic) to step outside so
12 there is a way that they can talk privately with their
13 client. Obviously the deputy is going to have to remain
14 in place for security reasons, and obviously we're going
15 to go ahead and mute.

16 Did you have a question, Mr. Patterson?

17 THE DEFENDANT: Yes. I would like to ask
18 why -- was there a fine that I have to pay in order for
19 me to come to court?

20 THE COURT: I'm sorry. A fine that you had to
21 pay to come to court?

22 THE DEFENDANT: Yes. I was told I had to pay
23 a thousand-dollar fine before I was able to come to court
24 that was ordered by a judge. That's why the January 24th
25 date was canceled.

1 THE COURT: I know nothing about a fine that
2 you had to pay to come to court unless you've got some
3 kind of state charge.

4 THE DEFENDANT: Well, that's what I was told.
5 That's why my court date was canceled January 24th. They
6 told my people I had to pay a thousand-dollar fine in
7 order to come to court or I would be sitting in Gregg
8 County Jail until it's paid.

9 THE COURT: Well, I don't know who told you
10 that.

11 THE DEFENDANT: Am I right?

12 I mean, that's what they told my people, and
13 my people had to pay a thousand dollars. That's why
14 we're here today. That was why the court was canceled
15 January 24th.

16 THE COURT: Okay. I have no idea why somebody
17 would have told anybody that you have to pay a thousand
18 dollars to come to a federal court. I do not know what
19 that is about, but right now what I'm telling you is both
20 your lawyers are there and I'm directing you and them to
21 go ahead and discuss this report. You have a copy of it.
22 If you've got questions about it, talk to them.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: We're in recess.

25 (Recess, 4:19 p.m. to 4:48 p.m.)

1 (Open court, defendant present.)

2 THE COURT: All right. We're back on the
3 record in the *United States versus Patterson* case. I see
4 that counsel are all there along with Mr. Patterson.
5 I'll note for the record that I have the Waiver of Rights
6 and Consent to Proceed by Video here.

7 And let me ask Mr. Noble: Are you having any
8 problem at that end hearing me or understanding me on
9 this audio/video hookup?

10 MR. NOBLE: No, sir, your Honor.

11 THE COURT: All right. Mr. Levine, same -- I
12 mean, you're only a few feet apart but just to be sure.

13 MR. LEVINE: No, your Honor. Thank you.

14 THE COURT: Okay. All right. I do not see in
15 the file any objections from the government. Is that
16 correct?

17 MR. NOBLE: We have no objection to the
18 presentence report, your Honor.

19 THE COURT: All right. And I do not see any
20 objections filed on behalf of defendant. Is that
21 correct?

22 MR. LEVINE: That is correct, your Honor. No
23 objections were filed on Mr. Patterson's behalf.

24 THE COURT: All right. And I will note for
25 the record there is -- let me just ask counsel. I mean,

1 we've had another 30 minutes where we took the recess.
2 We're back on the record now. Did you have an
3 opportunity, either counsel -- I mean, Mr. Nawaz said
4 he'd talked to him on the phone. Both of you have been
5 there now. Did you have an opportunity to answer
6 questions that Mr. Patterson had?

7 MR. LEVINE: I apologize, your Honor.
8 Your Honor, I have -- or we have to the best of our
9 ability. We are in fundamental disagreement as to the
10 character of the evidence, is what this comes down to.
11 In terms of the proceedings today, though, I
12 have asked Mr. Patterson if he's understood the
13 application of the guidelines to the facts, regardless of
14 whether he agrees to them. He can certainly answer this
15 for himself.

16 I don't believe there are any true objections
17 in terms of anything substantive to the guideline
18 applications, your Honor.

19 THE COURT: All right. Well, Mr. Patterson,
20 if you'd please stand, sir.

21 Now, I understand you may not agree with the
22 probation officer, i.e., how the scoring should be done,
23 or you may not agree with the probation officer's
24 recommendation as to what the sentence should be or what
25 the guideline range -- I mean, what the sentence should

1 be. But let me ask first are there any mistakes as far
2 as the evidence about your personal background, i.e.,
3 there is a statement in there that you're married to one
4 person and you're not or it says you never went to school
5 and you did. I mean, are there any -- let's start off
6 with your background questions there. Anything that you
7 think is in error on the background in that report?

8 THE DEFENDANT: No, sir.

9 THE COURT: What?

10 THE DEFENDANT: Nothing. No, sir.

11 THE COURT: There's not? Okay.

12 All right. And then as to the facts of the
13 case itself -- and here I'm looking at the sections where
14 it's talking about what the offense is, and that's
15 basically what was set out in the Factual Basis that was
16 done earlier. Do you think there are errors there?

17 THE DEFENDANT: May I ask you what pages
18 you're looking at, your Honor?

19 THE COURT: Well, the pages that are talked
20 about in your PSI that starts off on page 4 where it says
21 "The Offense," where it's talking about this particular
22 case. My question is: Are there errors you think there?
23 For example, it says -- oh, I don't know -- you held up a
24 grocery store that you didn't hold up or something like
25 that. In other words, they have an extra paragraph in

1 there that was not in your Factual Basis in terms of what
2 you did.

3 THE DEFENDANT: I think so.

4 THE COURT: I'm sorry?

5 THE DEFENDANT: I think so.

6 THE COURT: All right. Tell me what that is.

7 THE DEFENDANT: All right. Basically what I'm
8 getting at is they still don't have the suspect
9 positively identified. They don't have nobody to stand
10 on the -- to even take the stand and say yes, it was one
11 of these. They don't have no proof of me even being with
12 her physically. I got proof that she lied several times
13 throughout her debrief --

14 THE COURT: Hold up. Hold up. Hold up. You
15 say "she." What "she" are you talking about?

16 THE DEFENDANT: Ms. Chanel Collins, the
17 codefendant in the case.

18 THE COURT: Okay. All right. That --

19 THE DEFENDANT: I have her -- I have her
20 debrief here where we can point out several lies that she
21 made on her debrief. I mean, this is through they
22 investigation, not nothing I researched. This is what
23 they presented in my discovery.

24 THE COURT: Okay.

25 THE DEFENDANT: Do you understand?

1 MR. LEVINE: Your Honor, I'm sorry to
2 interrupt --

3 THE COURT: Wait, wait, wait.

4 THE DEFENDANT: And from what I'm seeing --

5 THE COURT: Hold on, sir.

6 THE DEFENDANT: -- the only evidence --

7 THE COURT: Sir, hold on one second. Let me
8 get a paper here. I'm looking for a particular document
9 here.

10 THE DEFENDANT: Yes, sir.

11 (Off-the-record discussion between the
12 defendant and Mr. Levine.)

13 THE COURT: Okay. So, what you're saying
14 basically is the information in Paragraph 18, which is
15 the paragraph that's on page 7 that talks about this
16 Ms. Patterson (sic) saying she had known you and saw you
17 and so on and so forth, you're saying that that's not
18 correct.

19 THE DEFENDANT: There's two cases. I'm trying
20 to figure out which one you're talking about, your Honor.

21 THE COURT: Well, you're the one that's
22 saying -- the one place I --

23 MR. NAWAZ: Page 6?

24 THE COURT: Wait. Wait. The one place in
25 this report that I have seen where there is discussion

1 about what Ms. Patterson (sic) said is on page 7 of the
2 report, at Paragraph 18. I don't see anywhere else where
3 it talks about her.

4 THE DEFENDANT: That's the second case, your
5 Honor. That's a different case. That's the case out of
6 the Northern District.

7 THE COURT: Okay. But I'm looking now at the
8 Presentence Investigation Report. That's what I'm asking
9 you about because that's what I'm --

10 THE DEFENDANT: That's what I'm looking --

11 THE COURT: -- looking at.

12 THE DEFENDANT: That's what I'm looking at,
13 too, your Honor.

14 THE COURT: If there is another page where
15 they are talking about Ms. Patterson (sic), point it out
16 to me.

17 THE DEFENDANT: There is no Ms. Patterson,
18 your Honor. The only Patterson is me, your Honor.

19 THE COURT: I'm sorry.

20 THE DEFENDANT: There is no Ms. Patterson.

21 THE COURT: Ms. --

22 THE DEFENDANT: That's me.

23 THE COURT: I'm sorry.

24 THE DEFENDANT: My name is Laquaylan
25 Patterson.

1 THE COURT: Lorenza Davis.

2 THE DEFENDANT: That's a different case, your
3 Honor.

4 THE COURT: Okay.

5 THE DEFENDANT: That's something else.

6 THE COURT: Who is the lady -- where is the
7 information in this report that you think is not
8 accurate?

9 THE DEFENDANT: My lawyer said Paragraph 24
10 and 25 on page 8. I mean, the second case starts on
11 page 7, Number 20 -- Paragraph 20 where the Eastern
12 District case is. Page 7, Paragraph 20 is where it
13 starts, your Honor.

14 THE COURT: Okay. And you're talking about
15 some debriefing with your codefendant. Paragraph 20
16 doesn't seem to talk about your codefendant.

17 THE DEFENDANT: No. I'm saying that's where
18 the case starts, page -- chapter -- I mean, Paragraphs 24
19 and 25 on page 8, your Honor.

20 THE COURT: Okay. Where they're talking about
21 this Chanel Collins? Is that the lady you're talking
22 about?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right.

25 THE DEFENDANT: From the beginning, your

1 Honor, she's been saying she was kidnapped, from the
2 jump. She came to the Eastern District and said --
3 matter of fact, she even made phone calls. I have all
4 the paperwork you need, but this is what they placed in
5 my discovery. She been saying she was kidnapped from the
6 jump, your Honor. Here today I have her debrief where I
7 can point out several lies which are to the District
8 Attorney.

9 THE COURT: All right.

10 THE DEFENDANT: I would --

11 THE COURT: Hold up. Let me just ask you
12 questions, sir.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: So, you're saying that where she
15 is reporting that she was kidnapped in Paragraph 25,
16 that's wrong.

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. And --

19 THE DEFENDANT: She said she was kidnapped.
20 She also said that I was her accomplice during the bank
21 robbery.

22 Basically what I'm saying is the only -- they
23 been saying it's only been two people that committed this
24 crime, your Honor. There's the actual suspect and this
25 female who has been identified by witnesses, only two

1 people.

2 THE COURT: All right.

3 THE DEFENDANT: So, the only information --
4 what I'm saying is the only information you even have is
5 what she provided, is what she provided, due to the fact
6 I'm saying I'm not the suspect. I didn't tell them
7 anything. They don't have any written statements that I
8 made. They don't have any verbatim record of me giving
9 evidence of what happened. None of that.

10 So, all the evidence is based off what she
11 said. Basically I'm saying she's been lying from the
12 beginning to the end of this case; so, how can you get to
13 where she is telling the truth?

14 THE COURT: All right. Any other -- any other
15 paragraphs that you say are in error in this PSI?

16 THE DEFENDANT: Yes. Paragraph 26, your
17 Honor.

18 THE COURT: All right.

19 THE DEFENDANT: The DNA basically was -- was
20 basically saying -- solving that case.

21 Well, here I have the CSI reports of whoever
22 investigated the car -- I mean, who took -- who examined
23 the swabs, car.

24 Now, one time what they -- what they said they
25 got my DNA on was found on a swab from the driver's side

1 door auto window switch, but here in the reports you can
2 see they not saying anything about a window or a window
3 switch in their reports. So, how did the FBI collect the
4 swab when it's not even mentioned in the CSI reports?
5 I'm not understanding that.

6 THE COURT: All right. What else do you --

7 THE DEFENDANT: I have --

8 THE COURT: Okay. What other paragraph do you
9 say is wrong?

10 THE DEFENDANT: That should be it. I mean,
11 that --

12 THE COURT: All right. Sir, I just want you
13 to list for me the --

14 THE DEFENDANT: Yes, sir.

15 THE COURT: -- paragraphs. You've given me
16 24, 25, and 26.

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay. You disagree with the
19 probation officer's report in those paragraphs.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Are there other paragraphs that
22 you are saying are wrong?

23 THE DEFENDANT: That's it, your Honor.

24 THE COURT: All right.

25 THE DEFENDANT: That's it.

1 THE COURT: Okay. Thank you. That's what I
2 needed to know.

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And you can be seated, sir.

5 All right. Reviewing the paragraphs in
6 question -- and where is the -- is the probation officer
7 there?

8 PROBATION OFFICER: Yes, sir, your Honor.

9 THE COURT: Okay. And from where did you get
10 the information to include in those Paragraphs 24, 25,
11 and 26?

12 PROBATION OFFICER: Your Honor, this was
13 information provided to me by the government in written
14 statements provided by Ms. Collins.

15 THE COURT: Okay. My guess is that
16 Paragraph 26 didn't come from Ms. Collins since that's
17 the DNA sample. So, from where did that come?

18 PROBATION OFFICER: Again, your Honor, it was
19 in information provided to me by the government.

20 THE COURT: Okay. In a report? A memo?

21 (Video connection terminated. Off the record,
22 5:02 p.m. to 5:08 p.m.)

23 (Open court, defendant present.)

24 THE COURT: Okay. There was an interruption
25 there in the video. We're back on the record in the

1 *United States versus Patterson.*

2 Just to confirm once again, Mr. Noble, is the
3 audiovisual working at your end?

4 MR. NOBLE: It is, your Honor.

5 THE COURT: All right. And I see that counsel
6 and Mr. Patterson are both there.

7 We've gone over the three paragraphs that
8 Mr. Patterson says are inaccurate; and I was asking the
9 probation officer on this. Mr. Long, you'd gotten the
10 information about Ms. Collins, as I understand it, from
11 statements she made. Looking at Paragraph 24, there is
12 also -- the paragraph ends, "A review of the bank's video
13 surveillance verified this individual as being Collins
14 and verified that a red 2001 BMW was registered to
15 Collins." My guess is that was not in her statement
16 since she wouldn't have been doing that. Where did that
17 come from?

18 PROBATION OFFICER: That came from police
19 reports, your Honor.

20 THE COURT: Okay. And, so, somebody at the
21 police department had evidently -- after getting this
22 statement from Ms. Collins, went ahead and checked out
23 the surveillance to be sure that she actually showed up
24 being in this BMW and being at the bank?

25 PROBATION OFFICER: Yes, your Honor. As they

1 were involved in their investigation and they believed
2 that Ms. Collins was involved, they remembered seeing the
3 red BMW; so, they reviewed the video surveillance, found
4 the red BMW the day before, and were able to then go back
5 and review that to positively identify her.

6 THE COURT: Okay.

7 PROBATION OFFICER: And that's how they were
8 able to locate her.

9 THE COURT: All right. Now let's take a look
10 at Paragraph 25, the statement about she and a man showed
11 up at the police department to make a report about her
12 being kidnapped and they identified her and identified
13 the male friend as some guy named Darreyel Greer. And
14 then there is a statement about an officer walked
15 outside, saw the vehicle, and then went ahead and
16 arrested both of them. Where did that information come
17 from?

18 PROBATION OFFICER: That came from a Big Sandy
19 Police Department police report.

20 THE COURT: Okay. So, these are police
21 officers -- or a police officer reporting what police
22 officers saw, i.e., Ms. Collins showed up with this guy
23 named Greer and then an officer going outside, seeing
24 that vehicle, the red BMW. And, of course, that's what
25 had been verified on the surveillance tape that is

1 described in Paragraph 24, correct?

2 PROBATION OFFICER: Yes, sir.

3 THE COURT: All right. And then Paragraph 26,
4 this paragraph about the DNA sample, where did that come
5 from? Where did you get that information?

6 PROBATION OFFICER: Your Honor, that came from
7 a document provided by the government. I can't say
8 exactly if that was an FBI document or if it was a crime
9 lab document or what, but it was a written document
10 provided to me by the government.

11 THE COURT: Okay. And you don't happen to
12 have your file with you?

13 PROBATION OFFICER: Yes, sir, I have my file.
14 My file as far as for the offense material, part of the
15 information is split between Ms. Collins' case and split
16 between Mr. Patterson's case. So, her file contains
17 everything that happened in the Eastern District.
18 Mr. Patterson's case file right now has everything that
19 pertained to the Northern District case.

20 THE COURT: Okay. But, of course, we're in
21 the Eastern District today and both cases have been
22 transferred to my court and I'm trying to do a sentence
23 on both cases, right?

24 PROBATION OFFICER: Yes, sir.

25 THE COURT: Okay. All right. Then the

1 court -- first of all, the record will reflect that I've
2 read the entire Presentence Investigation Report and also
3 have read the Factual Resumé in this case, Document
4 Number 82, along with the Plea Agreement, Document
5 Number 78, and the information in there.

6 And as far as the -- for purposes of
7 sentencing -- and even though objections were to be filed
8 sometime back, Mr. Patterson has objected to
9 Paragraphs 24 and 25 based on what he says were
10 statements that Ms. Collins made that he saw in the
11 discovery. But I'll note that Paragraphs 24 and 25 are
12 actually not based upon statements made by Ms. Collins.
13 Instead, they are based upon reports of what bank
14 employees saw and the police officers then reviewed the
15 tape -- that's in Paragraph 24 -- and then on
16 Paragraph 25 what police officers saw when this lady and
17 this Mr. Greer showed up and what the officers then did,
18 i.e., going out and checking out the car, again being the
19 red BMW, and then arresting Ms. Collins and Mr. Greer.

20 And, so, the court finds that there is
21 information with a sufficient indicia of reliability to
22 support its probable accuracy by a preponderance of the
23 evidence; and those objections, if they are objections,
24 to Paragraphs 24 and 25 are overruled.

25 As to Paragraph 26 about the DNA sample, don't

1 seem to be able to verify exactly where that came from;
2 so, I'll note for the record that I will not consider the
3 information in Paragraph 26 in imposing this particular
4 sentence. On the other hand, I will note that based
5 upon -- oh, and by the way, I will also note that I find
6 that the other paragraphs under "The Offense" section,
7 i.e., starting off with Part A, Paragraph 1, on page 4
8 going through Paragraph 23 on page 8 -- I will note that
9 I have also reviewed those, compared those with the
10 Factual Resumé, and find that those paragraphs have a
11 sufficient indicia of reliability to support their
12 probable accuracy by a preponderance of the evidence; and
13 I will adopt those paragraphs in addition to
14 Paragraphs 24 and 25 for purposes of this sentencing
15 proceeding.

16 Based upon all of that information which I
17 have just referred to and that I've -- i.e., Paragraphs 1
18 through 25 of the report -- and based upon the
19 information in the Plea Agreement and the offenses to
20 which defendant pled and the information in the Factual
21 Resumé signed by defendant and which was entered at the
22 plea hearing, the court concludes that under the advisory
23 guidelines system the total offense level is 26 and the
24 criminal history category is 2.

25 Now, by statute -- I've reviewed the statutory

1 ranges here on the various counts that are set out there
2 and have taken those into consideration and then looked
3 at the guideline range on Docket Number 6:15cr40. That
4 guideline range is 70 to 87 months.

5 And it looks like -- and correct me if I'm
6 misreading your report because it is a multiple report
7 that you've got there, Mr. Long. But the way I'm reading
8 it there and the way I understood it as I went through
9 this is that the guideline range you have calculated
10 there is 70 to 87 months on Count 3 in the 6:15cr40 case
11 and then, on Count 4, 84 months in that case. Is that
12 how you intended to write that?

13 PROBATION OFFICER: Yes, your Honor. The
14 Count 3 in Case Number 6:15cr40 and Count 1 in Case
15 Number 6:16cr41, those two -- the counts from each one of
16 those, Count 3 and Count 1, I arrived at 70 to 87 months
17 on those two counts. Count 4 in case 6:15cr40 is
18 84 months. Yes, your Honor.

19 THE COURT: And that's required by statute,
20 7 years consecutive, which is the 84 months, correct?

21 PROBATION OFFICER: Yes, sir.

22 THE COURT: All right. That's how I read it,
23 and I just wanted to confirm that because it is a little
24 more complex than some.

25 And then, likewise, on the supervised release

1 on Docket Number 6:15cr40, Count 3 would be 2 to 5 years;
2 on Count 5 (sic), 2 to 5 years; and then on 6:16cr41 on
3 Count 1, it would be 2 to 5 years.

4 And again, just to be sure because of the
5 number of -- you know, the two different counts which is
6 a little unusual, I'm understanding that correctly in
7 what you intended it to say. Is that also correct,
8 Mr. Long?

9 PROBATION OFFICER: Yes, your Honor.

10 THE COURT: Okay. And then the fine in this
11 particular case under the guidelines would be a fine of
12 12,500 to \$125,000; and then the restitution would be a
13 total of \$36,622; and then, finally, the special
14 assessment would be \$300, \$100 on each of the three
15 counts in the particular case.

16 I'll also note that I'm going to approve the
17 Plea Agreement and it is accepted, and I will notify the
18 defendant at this time that the Plea Agreement is
19 accepted and Judgment and sentence will be consistent
20 with it.

21 THE DEFENDANT: Your Honor --

22 THE COURT: So, I do not see in the file a
23 motion by either the government or defendant to go
24 outside of the guidelines, for example, by the government
25 to go above the guidelines and go as high as the statute

1 might possibly allow in the case. I don't see any
2 motions to go outside the guideline by defendant. So, I
3 will hear a statement from defendant's counsel, whichever
4 of you are going to -- well, first of all, let me ask:
5 Are there any objections to the ranges, as I've read them
6 out, from the government?

7 MR. NOBLE: None from the government, your
8 Honor.

9 THE COURT: Are there any objections to the
10 ranges, as I've read them out, from the defendant?

11 MR. LEVINE: No, your Honor.

12 THE COURT: All right. Then at this time I
13 will hear a statement from one or the other of defense
14 counsel and then a statement from your client and then a
15 response from the government.

16 MR. LEVINE: Thank you, your Honor.

17 Your Honor, if I may --

18 THE COURT: Oh, let me ask one question. I'm
19 sorry. I forgot.

20 If I recall, I had a statement -- a victim
21 statement, and I know that she was there originally when
22 this whole case got delayed. Are you still there, ma'am?

23 Is the victim still there?

24 MR. NOBLE: She is, your Honor.

25 THE COURT: Okay. Then before counsel speak,

1 let's go ahead and hear from her; and that way counsel
2 will be able to address whatever she might have to say in
3 the case. And there should be a microphone that is
4 available -- okay -- at the podium.

5 Ma'am, if you would please step forward and
6 first state your name.

7 AUDIENCE MEMBER: Pamela Givens (phonetical).

8 THE COURT: I'm sorry. Could you --

9 MR. LEVINE: Your Honor, may I briefly
10 interject? I apologize.

11 THE COURT: Okay. Go ahead.

12 MR. LEVINE: Thank you.

13 It was my understanding -- of course, I
14 understand that I may be wrong. I believed that any
15 victim statement came after sentence was imposed, your
16 Honor, because it was for purposes of victim impact. I
17 could be wrong, your Honor. If I am, I apologize.

18 THE COURT: Well, if it came after the
19 sentence was imposed, then there wouldn't be any impact;
20 and also you wouldn't have a chance to try to rebut it.
21 It would --

22 MR. LEVINE: I thought it would be. I'm
23 sorry.

24 THE COURT: I would think that you would want
25 a chance to ameliorate anything the victim might say,

1 i.e., point out, well, this harm was done by someone else
2 and that harm really wasn't so much, I mean, whatever
3 kinds of things might possibly be available. But more
4 importantly, if I pass sentence and then hear from the
5 victim, I can't change the sentence.

6 MR. LEVINE: That's correct, your Honor. You
7 could not change the sentence.

8 THE COURT: Okay.

9 MR. LEVINE: And my belief is that was the
10 point of it to come at the end, because it wasn't so much
11 the government's witness that they were calling but more
12 because she has the right to address the court and, of
13 course, Mr. Patterson. I did not believe that at that
14 point I had a right to address her or to confront
15 anything she said precisely because it was at the end of
16 it.

17 THE COURT: Okay.

18 MR. LEVINE: But if I'm wrong, your Honor,
19 then I --

20 THE COURT: Well, I'll overrule that as an
21 objection. I'm not going to allow you to cross-examine
22 her; but if you hear something that you think for some
23 reason I shouldn't consider, you obviously have the
24 opportunity to say that.

25 MR. LEVINE: Yes, your Honor. Thank you.

1 THE COURT: At this point, ma'am -- and I'm
2 very sorry for all of the delays. But I hope you
3 understand that by continuing to move forward, we get
4 this done today rather than next week or the following
5 week or some other time.

6 I do appreciate your being here; and, so,
7 again, if you would state your name for the record and
8 then go ahead and tell me what you think I should know.

9 AUDIENCE MEMBER: Pamela Givens (phonetical).

10 THE COURT: Okay, ma'am. Go ahead.

11 AUDIENCE MEMBER: My name is Pamela Givens,
12 and I am a victim of carjacking. My life was changed
13 this day, and it will never be the same. I have never
14 had a problem with a stranger asking me a question. This
15 is no longer true.

16 On Friday, March the 13th, 2015, I was asked a
17 simple question, "Where is Building 9?" My answer led to
18 the defendant telling me, "Give me the keys" and a gun
19 being pulled out on me. I have never been more in fear
20 of my life than that moment.

21 Other family members were affected this day.
22 My yelling and screaming traumatized my 70-year-old
23 mother who was trying to come out and see what was
24 happening because she knew it was my voice. My military
25 spouse was three and a half hours away expecting a call

1 saying I was on my way home and, instead, received a call
2 stating that I had been robbed.

3 I was supposed to be picking up my
4 father-in-law from the airport, planning a retirement
5 party, and enjoying a happy occasion. Instead, I was
6 canceling cards, filing police reports, and replacing
7 several items that were stolen.

8 I was victimized financially and emotionally.
9 My life or vehicle; I chose my life. I still see the gun
10 being pulled and my life flash before me. Some items had
11 more sentimental attachment than others. I was more
12 upset over the fact that my deceased mother-in-law's
13 items were stolen instead of the financial loss. Between
14 my laptop and wallet being stolen, I still have the
15 potential to be victimized further. I had information
16 stolen from me and must constantly check to make sure
17 that my identity is not compromised.

18 I still have nightmares and trauma from the
19 ordeal. I have anxiety when I am approached by
20 unfamiliar people. This has affected my trust and
21 willingness to help and assist others.

22 My personal space was violated, my life was
23 threatened, and property was taken. I was picked at
24 random early in the morning at my mother's residence. I
25 am just glad it was me and not her. I ask the court to

1 take my side into consideration when looking at
2 sentencing and rehabilitation.

3 I thank the court for allowing me to speak
4 today. I had to pray to forgive what occurred, and I
5 have. The healing process has just not been that simple.
6 Thank you for your time.

7 THE COURT: All right. Ma'am, again, I
8 appreciate your being here. I mean, that's very
9 eloquent. I know how difficult it is to be in court and
10 testify, especially federal court; and I know that -- I
11 apologize for the delay we had here today. It's not
12 normally how the court is run. But to have just, again,
13 canceled it and started over, it would have been another
14 week or so. So, I appreciate your being here. Thank
15 you, ma'am.

16 AUDIENCE MEMBER: Thank you.

17 THE COURT: All right. Now I will hear a
18 statement from -- Mr. Levine, are you going to do it or
19 Mr. Nawaz? Which are --

20 MR. LEVINE: I will address the court, your
21 Honor, if I may.

22 THE COURT: Go ahead.

23 MR. LEVINE: Thank you, your Honor.

24 Your Honor, on Mr. Patterson's behalf, I'd
25 like to start off by apologizing and, of course,

1 apologizing for Omar and I showing up late. And to
2 Ms. Givens, I apologize for everything, obviously.

3 Your Honor has a wide range in front of him,
4 but I respectfully submit that the government here has
5 taken into account all the most salient facts in reaching
6 this 11(c)(1)(B) with a recommended sentence of
7 154 months. It not only reflects the guidelines, the
8 fact that at -- he will be 26 next month. Mr. Patterson
9 has never been to prison. He's never done anything more
10 than county jail time.

11 Without diminishing the severity of these
12 offenses, the fact remains -- and without minimizing the
13 trauma to Ms. Givens, the fact remains that no one was
14 hurt. Was there the great potential for that? Yes. Of
15 course there always is. But that is inherent in any
16 offense like this -- or, rather, every offense like this.

17 A sentence of 154 months, as contemplated by
18 the agreement with the government, is a very substantial
19 amount of time, your Honor. It's an enormous, enormous
20 chunk of his young adult life; and I think that a very
21 different Laquaylan Patterson will walk out of there.

22 Look at his offenses; and they are contrary to
23 what you see from the rest of his life, your Honor. You
24 didn't see him constantly getting kicked out of school,
25 going to TYC, going to TDC. It is surprising in the

1 context of the rest of his history that these offenses
2 are attributed to him.

3 I'm going to ask the court to consider the
4 154 months. I also believe that it serves a purpose of
5 finality in a difficult case like this. And when I say
6 "finality," your Honor, I mean it affords the certainty
7 that the parties need to not proceed to trial on a case
8 like this; and I think there is something to be said for
9 that in consideration of the witnesses, the complainants,
10 the court's resources. That is what got this case
11 essentially done, your Honor. And I say that while
12 still, of course, recognizing your inherent authority and
13 discretion. Do as you see fit.

14 I hope that you will find the 3553 factors,
15 though, also counsel in favor of accepting a -- or
16 imposing a 154-month sentence. It is a long, long
17 sentence, your Honor. It's not a slap on the wrist.
18 It's not an insult to anyone. It's very substantial, and
19 I'm confident that it is going to result in a different
20 Laquaylan Patterson, an improved one.

21 For all those reasons I would ask that you
22 follow that, your Honor, and sentence him to 154 months
23 on both cases cumulative. Thank you, your Honor.

24 THE COURT: All right. Mr. Patterson, is
25 there anything you would care to say? If so, please

1 stand up.

2 THE DEFENDANT: Yes, sir. I was arrested due
3 to the fact that I got indicted based on what Mr. Noble
4 presented before a grand jury. Like I say, the DNA
5 didn't even come into effect until after I was arrested.

6 THE COURT: Okay. And I have said --

7 THE DEFENDANT: They didn't have --

8 THE COURT: Sir, I have said that I am not
9 considering -- I thought I said this -- or at least I
10 thought you would understand it. That paragraph on the
11 DNA, I sustained your objection to it to the extent that
12 I did not consider that. I am not considering the DNA as
13 part of this sentencing. Okay?

14 THE DEFENDANT: All right.

15 THE COURT: I sustained the objection on that.

16 THE DEFENDANT: Okay. Well, here's what he
17 presented to a grand jury, right? It say (reading) on
18 04082015 under the conditions of a mutual agreement and
19 after being identified as a co-conspirator, Chanel
20 Collins, black female, date of birth ///////////////, confessed
21 to participate in a carjacking and bank robbery with
22 Laquaylan Wesley Patterson, black male, date of birth
23 /////////////// --

24 THE REPORTER: Okay. Stop for a minute,
25 please.

1 (Off-the-record discussion between the court
2 and court reporter.)

3 THE COURT: Sir, hold up one minute, please.

4 I'm going to direct that the identifying
5 information, the dates of birth, be redacted from the
6 transcript.

7 And I would ask, sir, that if you are reading
8 from a document, please do not read out into the record
9 dates of birth or Social Security numbers or driver's
10 license numbers or home addresses because once that gets
11 out on the Net, then all of that is out there. Okay?
12 I'm not stopping you --

13 THE DEFENDANT: Yes, sir.

14 THE COURT: -- from reading the other
15 information, just not those --

16 THE DEFENDANT: Yes, sir.

17 THE COURT: -- identifying numbers. Okay?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. And if you would, slow
20 down just a tad. You probably can't see her, but to my
21 left is the court reporter. She is trying to take this
22 all down. My left, not yours.

23 THE DEFENDANT: Oh.

24 THE COURT: Maybe you can see her. I don't
25 know. I doubt it. But she needs --

1 THE DEFENDANT: Do you want me to start over,
2 sir?

3 THE COURT: -- to hear you.

4 No. She's got what you've got so far; but
5 just remember not to start reading real, real fast
6 because it makes it hard for her. Okay?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: All right. Go ahead.

9 THE DEFENDANT: It says (reading) Collins
10 advised that during the bank robbery, Patterson contacted
11 Collins utilizing telephone number (469)626-9874 so that
12 Collins could hear what was going on inside the bank.
13 All right. So, 0414 pursuant to grand jury subpoena,
14 AT&T provided call -- cell phone records for this.

15 Basically what I'm saying is the only thing
16 they had against me is her saying my name. Other than
17 that, they had no evidence of me saying or doing
18 anything. And I can prove -- I got her debrief here
19 where we can point out several lies that she made,
20 basically off the cell phone records that's not equal to
21 the AT&T records that was received. It's not adding up,
22 sir.

23 I mean, that's what they provided in order to
24 get the Indictment against me. I mean, that's all they
25 had. I mean, other than that, they had no other reason

1 to say that, yeah, Laquaylan Patterson committed a bank
2 robbery or even robbed this lady of her car. They have
3 no fact. Nobody saying that but her.

4 But from the beginning we can show that she
5 called down here saying she was kidnapped. We have proof
6 that she said -- let me see. I got her debrief right
7 here.

8 THE COURT: All right.

9 THE DEFENDANT: She wrote a statement saying
10 she was kidnapped. Not only that, she say (reading)
11 Collins had driven back to the Dallas area; so, she asked
12 her ex-boyfriend, Laquaylan Patterson, black male, date
13 of birth -- such-and-such, such-and-such -- to travel
14 back with her, positively identifying me as -- they
15 showed her -- they say a driver's license photo was
16 presented.

17 Okay. They say (reading) on Monday Collins
18 picked up Patterson in Lancaster, Texas, on her way back
19 to JCC, location where she picked up Patterson, stated
20 that Patterson had --

21 THE REPORTER: I'm sorry. You're going to
22 have to slow down.

23 THE COURT: Okay. Slow down a little bit.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: People can read -- when you're

1 reading stuff, you start going a lot faster than you
2 talk; and it's too hard for the court reporter. Okay?

3 THE DEFENDANT: All right. Yes, sir.

4 It states (reading) on Monday Collins picked
5 up Patterson in Lancaster, Texas, on her way back to JCC.
6 Collins could not recall or identify the location at
7 which she picked up Patterson, and she stated that
8 Patterson had verbally instructed her over the telephone
9 how to arrive at his location. After departing
10 Lancaster, both Collins and Patterson drove directly to
11 JCC and arrived on campus at approximately 9:30 a.m.

12 Also it says here (reading) on Wednesday
13 Collins and Patterson and Tamera Timmons (phonetical),
14 black female, date of birth, traveled to Timmons'
15 apartment in Tyler, Texas, to assist Timmons with some
16 car trouble that she had been having and later returned
17 to JCC for the remainder of the night.

18 THE COURT: Okay.

19 THE DEFENDANT: Okay. Here I have reports
20 where it say she said she dropped her boyfriend Greer off
21 that Monday. But here the reports of the boyfriend and
22 girlfriend once he arrived at -- they said she (reading)
23 states that her sister could tell us about Patterson. It
24 says what she say. (Reading) she states that on
25 Wednesday, March 11th, at about 5:00 a.m., Greer came to

1 her apartment in Euless. Not on Monday, what she said in
2 her debrief, but she say he came on Wednesday.

3 Not only that, the boyfriend also said it,
4 too. He arrived 5:00 p.m. -- 5:00 a.m. Wednesday
5 morning, not Monday when Greer said she was saying.

6 Not only that, you got her mama and her daddy
7 both placing her in Dallas, Texas.

8 They say Collins -- (reading) on Wednesday
9 Craig (indiscernible) spoke to her father. Craig
10 (indiscernible) spoke to Antoine Collins. Stopped by
11 Craig's residence last afternoon or early evening and
12 dropped off her daughter, Sidney. Craig recalled Collins
13 being alone when she dropped off her daughter.

14 Not only that, her mama said she saw her also
15 that Wednesday evening by herself.

16 So, where was I at? Where was I? I mean,
17 they still have no proof of showing that I was with her
18 on the week of, except for at that gas station. You
19 can't put me on campus.

20 Not only that, I mean, the cell phone records.
21 She say she didn't see the actual carjacking but -- here.
22 (Reading) Collins did not observe the actual carjacking,
23 nor was Collins aware Patterson had brandished a firearm
24 by stealing a vehicle. Patterson called Collins via cell
25 phone as she was departing the scene and informed Collins

1 to exit the apartment complex at the time.

2 Here -- this is what they presented to me
3 saying this is what I guess was provided. Here it says
4 the phone call was made at 8:17. Phone call made at
5 8:17. But if you come over here and look at the actual
6 cell phone records from her, you see the AT&T that were
7 provided. Ms. Collins is already at the apartments at
8 8:17:01 seconds. She's already at the apartment before
9 this phone call was even made. So, I mean, you know,
10 that's another lie that she -- so, that prove there that,
11 hey, she either seen this -- she seen this or she's
12 lying, one of the two.

13 Not only that, they also say that -- they say
14 (reading) a phone call was made during the bank robbery
15 for 4 seconds and -- 4 minutes and 46 seconds. Okay.
16 Well, this right here showed that four phone calls was
17 made in one minute. Four phone calls was made in
18 1 minute. I just find it difficult that four phone calls
19 was made in 1 minute without breaking the duration of a
20 cell phone for 4 minutes and 46 seconds. There is no
21 way.

22 Not only that, you look at Collins' records,
23 you don't see that. You don't see that phone call on
24 there, your Honor. It's not in her cell phone records.
25 I'm not seeing it, your Honor. I'm not seeing that

1 phone -- neither phone call. I'm not seeing in the cell
2 phone records that what they -- the District Attorney
3 provided for a grand jury to even get a Indictment
4 against me.

5 Like I said, due to the fact she had -- they
6 had no other reason to say I did anything other than
7 Ms. Collins saying this and that, this and that.

8 But basically I just showed you several lies
9 that she made in her debrief. So, what case do they have
10 against me? What case do they have against me?

11 Not only that, I know you say you're not
12 bringing up the DNA or whatever; but I think you should
13 know, okay, two samples were collected from me. The
14 first sample they said was lost in the mail room, and
15 I've got a e-mail of him saying it himself. The first
16 sample was lost in the mail room, and basically they
17 located it. Right? So, my thing is where is this swab?
18 Where are these swabs at now? Where are they at? Ain't
19 nobody can tell me where these swabs are at.

20 A second swab was given in January. Not only
21 that, the same guy who supposedly had lost the first DNA
22 swabs, he come back and tried to get the swabs by
23 himself, the same guy who lost them. My point and what
24 I'm trying to say is I feel like he planted evidence due
25 to the fact he came back to the same locations.

1 Other than her statements and the DNA, you got
2 nobody to place me or say that, yes, I was with her or,
3 yes, I did this. You've got no proof, no facts of
4 nothing. I mean, I'm just not -- I just want to
5 understand it. I'm not getting it. I mean --

6 THE COURT: All right.

7 THE DEFENDANT: To me, I feel like the D.A.
8 lied before a grand jury to even get a Indictment due to
9 the fact they present a liar throughout her debrief; and
10 if we read the cell phone records, that's not even
11 appearing. I mean, I'm just not getting it, your Honor.

12 THE COURT: All right.

13 THE DEFENDANT: Not only that, they had a
14 whole 'nother person arrested for the case. They had
15 more than enough evidence saying, yes, it was him. Then
16 all of a sudden she give her debrief; and now all the
17 evidence they had against him, well, it's now on me.

18 And like I said -- I mean, like I said, she
19 been lying from the beginning to the end. Neither did
20 the -- I keep saying the DNA because I feel like that's a
21 big part of it and not mentioned in the CSI reports.

22 And not only that, I'm just trying to see how
23 did the FBI connect this when this CSI agent is not
24 saying not one time anything about a window or a window
25 switch. How did this appear? I mean, I'm not getting

1 it. I'm not getting it.

2 THE COURT: All right.

3 THE DEFENDANT: I'm not seeing -- I'm not
4 seeing any facts. I mean, justice needs to be served.
5 I'm not seeing any facts against me proving to, okay,
6 yeah.

7 Like I say, you can't place me with this
8 female. Not only that, your victim, she wasn't even able
9 to give a full description of the suspect on the day of.
10 Neither was I ever put in a lineup of anybody positively
11 identifying me as being a suspect of anything or seeing
12 me in Tyler, Texas, on the day of the bank robbery.

13 The statement she gave -- I mean, I don't see
14 that being no more than five minutes. She didn't say,
15 well, two years later she remember what the suspect look
16 like or anything of that nature. How would she know that
17 I was the suspect if she weren't able to say she knew who
18 I am, she knew my name, or I was even put in their lineup
19 to say that, yeah, I was a suspect.

20 And like I said, they had a whole 'nother
21 person arrested for the case; and then all of a sudden,
22 I'm the suspect due to the fact that she gave her debrief
23 which was full of lies as you've seen.

24 I'm just not seeing no case. I mean, I feel
25 like -- how I feel, I'm like if we would take it to

1 trial, I'm looking at a mistrial fixing to happen. I
2 mean, they still haven't shown me not one piece of
3 evidence that say, yes, you're guilty or explain this
4 or -- you know what I'm saying?

5 Like I say, they don't have no written
6 statement, no confession of me saying it or anybody
7 giving any detail of anything of any nature. So, all --
8 they whole case is based off what Ms. Chanel Collins
9 said; but basically, I feel she discredited because she's
10 been lying from the beginning to the end of the whole
11 investigation.

12 THE COURT: All right.

13 THE DEFENDANT: And basically that's what
14 he -- what they presented. He presented the cell phone
15 records that's not adding up --

16 THE COURT: All right.

17 THE DEFENDANT: -- and this debrief --

18 THE COURT: Okay. You've --

19 THE DEFENDANT: -- before a grand jury that
20 got me indicted.

21 THE COURT: All right. And you've gone over
22 that a couple of times. I think I understand your
23 position. Is there anything else?

24 THE DEFENDANT: I mean, like I said, I've been
25 trying to get my lawyer to set up this meeting with this

1 guy for forever. I mean --

2 THE COURT: Sir, keep in mind the
3 U.S. Attorney or Assistant U.S. Attorney doesn't have to
4 meet with anybody if he doesn't want to.

5 THE DEFENDANT: No. He agreed to --

6 THE COURT: A defense attorney can ask and --

7 THE DEFENDANT: He --

8 THE COURT: -- the prosecuting attorney
9 doesn't have to and he can say "yes" one day and he can
10 say "no" the next day. That's up to him. Okay?

11 THE DEFENDANT: He can.

12 THE COURT: It's not --

13 THE DEFENDANT: He can. He can.

14 THE COURT: It doesn't affect your sentencing.
15 So, do you have some other point?

16 THE DEFENDANT: I mean, I feel like it was a
17 lack of communication throughout the whole thing.

18 THE COURT: All right.

19 THE DEFENDANT: I haven't seen or heard from
20 my lawyer since September 8th.

21 THE COURT: Okay.

22 THE DEFENDANT: I mean, I didn't even know I
23 had court today.

24 THE COURT: Okay. At this point we're going,
25 you know, into the sentencing. Is there anything else

1 about the sentencing?

2 THE DEFENDANT: I mean, I'm not seeing
3 anything for me even to be sentenced, your Honor. I'm
4 not seeing any evidence that's in relation.

5 THE COURT: Okay. Thank you.

6 Any response from the government?

7 MR. NOBLE: Thank you, your Honor.

8 I think Mr. Levine made reference to
9 communications we had during plea negotiations that the
10 government would be willing to recommend the low end of
11 the guidelines. And in making that agreement, I think
12 the government reasonably anticipated that the defendant
13 would accept responsibility and would continue to accept
14 responsibility through the sentencing hearing; and all
15 the government has heard through the large balance of
16 this hearing is the defendant in large part arguably
17 revoking his acceptance of responsibility.

18 We also observed his lack of respect for
19 Ms. Givens as she addressed the court and gave her victim
20 impact statement; and it made me think that we would be,
21 likewise, likely to see the same type of disrespect if we
22 were to hear from all the tellers that had a gun pointed
23 in their face at Cornerstone Credit Union and/or the
24 tellers that had guns in their faces at the First
25 National Bank in Big Sandy. I know the court is aware of

1 that.

2 And the court has indicated its willingness to
3 accept our (c)(1)(B) agreement, which, of course, is a
4 nonbinding agreement; but we have entered good-faith
5 negotiations and stipulations about the guideline
6 applications. Having said that, judge, we just defer the
7 sentencing in this case to your discretion.

8 THE COURT: Let me just be very clear for the
9 record because I've heard both of you now refer to an
10 agreement as to a recommendation at the low end of the
11 guideline range. I'm not -- and both of you were very
12 careful not to mention it was an 11(c)(1)(C), but let me
13 just confirm that. There is no 11(c)(1)(C) agreement or
14 binding agreement here for a recommendation at the low
15 end of the range, is that correct, Mr. Levine?

16 MR. LEVINE: Yes, your Honor. I believe
17 the -- yes. Correct, your Honor. It is nonbinding.
18 Yes, sir.

19 THE COURT: That's what I heard you say.
20 And the same for Mr. Noble; is that correct?

21 MR. NOBLE: You're right, judge. There is not
22 a (c)(1)(C) binding Plea Agreement in this case.

23 THE COURT: All right. And while there may
24 have been discussion in the Plea Agreement, I am not
25 seeing -- maybe I missed it. I tried to go through this

1 very carefully -- as in the agreement itself that there
2 would be a particular recommendation one way or the
3 other. Did I miss that paragraph in one of these two
4 Plea Agreements?

5 MR. NOBLE: You did not, your Honor. That was
6 in -- that was not a part of our written Plea Agreement
7 in either case.

8 THE COURT: Okay.

9 MR. NOBLE: There was a conversation -- okay.

10 THE COURT: That's all I want. Okay. Then I
11 understood it properly. I just wanted to be sure.

12 MR. NOBLE: Yes, sir.

13 THE COURT: And also for the record, let me be
14 sure because when I went through before the information
15 the court was relying on, I was focusing on the lower
16 numbered case, the 6:15cr40. But, of course, I had also
17 and took into consideration the 6:16cr41 case which is
18 part of this today and had, again, the information in the
19 Plea Agreement in that case, Document Number 6, and the
20 offense to which defendant pled and also the Factual
21 Resumé in that case also signed. So, it is not -- when I
22 was going through it before, I want to be very sure for
23 the record it wasn't just the one. I had both along with
24 that other information.

25 Does the government know of any reason why

1 sentence should not be imposed at this time?

2 MR. NOBLE: No, sir, your Honor.

3 THE COURT: Does the defendant know of any
4 reason why sentence should not be imposed at this time?

5 MR. LEVINE: No, your Honor.

6 THE COURT: All right. Mr. Patterson, will
7 you please stand?

8 Sir, you are before this court having pled
9 guilty to and been found guilty of, in the 6:15cr40 case,
10 Count 3, bank robbery and aiding and abetting and, Count
11 4, use and carrying of a firearm during a crime of
12 violence and aiding and abetting and, in the 6:16cr41
13 case, Count 1, bank robbery.

14 Now, Congress sets out the factors I have to
15 consider in this case in 18 USC, Section 3553. I
16 normally take those factors in reverse order, and
17 Factor 7 is restitution. In this particular case that
18 is, in fact, going to be part of the Judgment, the
19 restitution of \$36,622.

20 Then I take a look at what is provided by
21 statute, which is set out in the Presentence
22 Investigation Report; and I compare that with the
23 guideline range, which is set out in the guidelines
24 approved by the Sentencing Commission and allowed to go
25 forward by Congress.

1 And I have to consider first do I go outside
2 of the guidelines. Well, neither side has made a motion
3 to go outside of the guidelines; and in this particular
4 case, the court doesn't see a reason to go outside of the
5 guidelines. That goes a long way to taking care of
6 Factor 6, which is avoiding unwarranted disparities of
7 sentence, meaning people with a similar criminal history
8 and similar offenses should get a sentence that is pretty
9 close to the same. That's what the guidelines are
10 intended to do, and I've compared this with other similar
11 cases to make sure that is accomplished here.

12 So, then I have to decide where in the
13 guideline range the sentence should be. Now, of course,
14 the sentence dealing with the firearm is 84 months
15 consecutive to the other counts. That is by statute.
16 That's on Count 4 in the 6:15cr40 case; and, so, there is
17 not a range there.

18 In the other case there is the range -- or the
19 other count -- or actually on both counts. The range is
20 between 70 and 87 months. Now, to decide where in the
21 range it should be, the court looks at the history and
22 characteristics of defendant and the nature and
23 circumstances of the offense.

24 Taking a look at the history and
25 characteristics of the defendant, you are at a

1 Category 2. You had three points on your criminal
2 history. There is some mention in there of convictions
3 which were too old to count in the particular case or
4 were juvenile; and, so, they didn't count.

5 And the three points that you received, one is
6 on a theft of property from 500 to 1,500. One is on some
7 marijuana. There is the one point there. Those three
8 points for your criminal history category at that point
9 could support the argument made by your attorney for a
10 sentence at the lower end of the range.

11 But I also have to consider the nature and
12 circumstances of these particular offenses, and the court
13 has to say that the use of the firearm -- and keep in
14 mind while you -- I'll note that you pointed out much of
15 the information in the Indictment you say is not
16 supported; but an Indictment is probable cause. In other
17 words, the grand jury is just simply trying to decide is
18 there enough information to have a case go forward. They
19 don't find proof beyond a reasonable doubt. It's is
20 there sufficient information here to bring the charges
21 and let the government go forward.

22 I'm relying on the information that, as I've
23 mentioned, is in the Presentence Investigation Report.
24 I'm not relying upon that DNA as you mentioned you
25 pointed out. And the probation officer didn't have the

1 documents to support that. Fine. But all of the other
2 information, I've made my ruling on.

3 And I'm also looking at, of course, the two
4 Plea Agreements which you signed and the two Factual
5 Resumés which you signed. And based on all of that,
6 we're talking about some cases where -- Mr. Levine
7 pointed out nobody got hurt. Nobody got shot perhaps.
8 Of course, the case would be a lot more serious if that
9 had happened.

10 But I have to look at, and Congress tells me
11 to look at, the consideration of deterrence -- and it is
12 important to deter people from using firearms in crimes
13 like bank robbery or carjacking or even just scaring
14 people -- and protection of the public. And based upon
15 those, I find that those support a sentence at the higher
16 end of the guideline range.

17 And, so, therefore, the court finds that the
18 following sentence is going to meet the congressional
19 objectives of deterrence, specific deterrences to you and
20 general deterrences to others; protection of the public;
21 and promotion of respect for the law. And, therefore,
22 pursuant to the Sentencing Reform Act of 1984, it is the
23 Judgment of the court --

24 THE DEFENDANT: May I make a input, your
25 Honor?

1 THE COURT: Sir, at this point I'm going
2 forward on the sentence. Okay?

3 THE DEFENDANT: All right. Yes, sir.

4 THE COURT: Pursuant to the Sentencing Reform
5 Act of 1984, it is the Judgment of the court that the
6 Defendant Laquaylan Wesley Patterson is hereby committed
7 to the custody of the Bureau of Prisons to be imprisoned
8 for a total term of 171 months. This is 87 months on
9 Count 3 in Docket Number 6:15cr40 and Count 1 in Docket
10 Number 6:16cr41. In other words, those two counts --

11 Let me just be sure, Mr. Long, because the way
12 you have it written, it sounds like the two 87s are
13 consecutive. Those two are concurrent, right?

14 PROBATION OFFICER: Yes, your Honor.

15 THE COURT: Yeah. Those two counts, the
16 87 months -- there is 87 months on each count, but that
17 is concurrent.

18 And then a term of 84 months on Count 4 in
19 Docket Number 6:15cr40 which, of course, by statute must
20 be consecutive.

21 And, so, it is 87 months on those first two
22 counts -- that is concurrent, though; they run at the
23 same time -- and then the 84 months on Count 4 in Docket
24 Number 6:15cr40, that is consecutive as required, for a
25 total of 171.

1 It is further ordered that defendant is
2 jointly and severally liable with Chanel Collins in
3 Case 6:15cr40 to pay restitution totaling \$29,734 to the
4 victim listed in the "Restitution" section of the
5 presentence report, which is due and payable immediately;
6 and it is further ordered defendant is to pay restitution
7 in Docket Number 6:16cr41 totaling \$6,888 to the victim
8 listed in the "Restitution" section of the presentence
9 report, which is due and payable immediately.

10 The court finds the defendant does not have
11 the ability to pay a fine. The court will waive the fine
12 in this case.

13 The court finds the defendant does not have
14 the ability to pay interest. The court will waive the
15 interest in this case.

16 It is ordered the defendant shall pay the
17 United States a special assessment of \$300, being \$100 on
18 each of the three counts. That is due and payable
19 immediately.

20 Upon release from imprisonment, defendant
21 shall be on supervised release for a term of 5 years.
22 This consists of terms of 5 years on each of Counts 3 and
23 4 in Docket Number 6:15cr40 and 5 years on Count 1 in
24 Docket Number 6:16cr41, all of those terms to run
25 concurrently.

1 Within 72 hours of release from the custody of
2 the Bureau of Prisons, defendant shall report in person
3 to the probation office in the district to which
4 defendant is released. While on supervised release,
5 defendant shall not commit another federal, state, or
6 local crime; shall comply with the standard conditions
7 that have been adopted by the court; and must comply with
8 the mandatory and special conditions and instructions
9 that have been set forth in the defendant's presentence
10 report.

11 Now, just for clarity, those are the special
12 conditions set out at page 23 of this Document 15, the
13 PSI. It is titled "Supervision Conditions
14 Recommendation." It is no longer a recommendation. It
15 is what I've adopted -- and it also goes into page 16 --
16 I'm sorry -- page 24 of Document 15; and, so, that's the
17 conditions and -- mandatory conditions and special
18 conditions and special instructions that must be followed
19 on supervised release.

20 I will recommend that the defendant receive
21 appropriate drug treatment while imprisoned, and it is
22 also recommended that defendant participate in the Inmate
23 Financial Responsibility Program at a rate determined by
24 the Bureau of Prisons staff in accordance with the
25 requirements of the Inmate Financial Responsibility

1 Program.

2 And you may be seated, sir.

3 THE DEFENDANT: Can I say something else?

4 THE COURT: I'll let you speak in a minute.

5 Let me go ahead and finish the rest of this so you -- I
6 need to get through this. There are some things that I'm
7 required to inform you of.

8 A defendant can appeal a sentence and/or a
9 conviction if a defendant believes that his plea of
10 guilty was involuntary or unlawful or there is some
11 fundamental defect in the proceedings that was not given
12 up by his Plea Agreement. In this case you've entered
13 into two Plea Agreements; and in those Plea Agreements,
14 you have waived, or given up, many of your rights to
15 appeal.

16 That is usually enforceable. If you believe
17 for some reason some point was not given up, in other
18 words, was not waived or it is not enforceable, you may
19 present that theory to a Court of Appeals. What you need
20 to know is if you are thinking of filing some kind of an
21 appeal, in almost every case you would need to give
22 notice within 14 days of me signing the Judgment. Do you
23 understand that, sir?

24 THE DEFENDANT: Excuse me now. Wait. Am I
25 able to do a appeal? You know what I'm saying? Am I

1 able?

2 THE COURT: Well, what I'm telling you, what
3 I'm notifying you -- and I'm also going to direct your
4 attorneys to explain it to you again if necessary. If
5 you're thinking of filing some kind of an appeal of
6 either the conviction in either of these cases or my
7 sentence, in almost every case -- in other words, under
8 most circumstances if you're thinking of doing that, it
9 is required that you file a notice of appeal within
10 14 days of me signing the Judgment. Do you understand
11 that time limit?

12 THE DEFENDANT: Yes, sir. 14 days.

13 THE COURT: 14 days.

14 THE DEFENDANT: Is that 14 business days?

15 THE COURT: No, 14 days.

16 THE DEFENDANT: Okay.

17 THE COURT: 14 days. That's why I'm telling
18 you because if something comes in in two or three months,
19 probably it's going to get rejected. So, if you're
20 thinking of filing appeal, you've got 14 days after I
21 sign it. I probably won't sign it --

22 THE DEFENDANT: How can I go --

23 THE COURT: Wait, wait.

24 THE DEFENDANT: All right.

25 THE COURT: I probably won't sign it today

1 because it is too late to get it done. It probably won't
2 be until tomorrow or the next day. But once I sign it,
3 it is 14 days. Do you understand that, sir?

4 THE DEFENDANT: Yes, sir.

5 How can I go about doing that?

6 THE COURT: Wait. Let me -- do you first
7 understand you've got this deadline? Do you understand
8 that?

9 THE DEFENDANT: Yes, sir. Yes, sir.

10 THE COURT: Okay. The next thing is if you
11 are not able to pay the cost of an appeal, you may
12 request to -- or may ask to file an appeal without paying
13 costs. If you make that request, I will direct that the
14 Clerk of the Court to file that request so it can be
15 dealt with. Do you understand that, sir?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: In other words, you can ask to
18 file -- in other words, you can ask to appeal without
19 paying costs.

20 And I would ask counsel to make very sure he
21 understands that; and if a notice needs to be given,
22 let's go ahead and get it done. Don't want that coming
23 up later.

24 All right. Let me also ask, counsel, do you
25 want or does your client want a recommendation as to a

1 place of confinement?

2 THE DEFENDANT: Yes.

3 MR. LEVINE: Your Honor, he would ask for as
4 close to Dallas as practicable, perhaps Seagoville or FMC
5 Fort Worth.

6 THE COURT: Is that to make it easier for his
7 family to visit him?

8 MR. LEVINE: Yes, your Honor.

9 THE COURT: Is that to make it easier for his
10 family to visit him?

11 MR. LEVINE: Yes.

12 THE COURT: Okay. To make it easier for his
13 family to visit him, I will recommend that defendant be
14 placed as close as possible to Dallas.

15 I'll write that recommendation in your
16 Judgment, sir; and I'll give the reason for it, so your
17 family can visit. You need to understand that the Bureau
18 of Prisons does not always take my recommendation. For
19 example, Fort Worth is generally used for people with
20 severe medical conditions; so, probably they are not
21 going to do Fort Worth. It is possible that Seagoville
22 is overcrowded, and they may send you somewhere else.
23 But that is up to them. If you want me to recommend a
24 different place, I can do it; but you've got to
25 understand no matter what I recommend, they don't always

1 take my recommendation. Do you understand that, sir?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: I'm sorry?

4 THE DEFENDANT: I would like to -- yes, sir, I
5 understand.

6 THE COURT: Let's go through one thing at a
7 time.

8 THE DEFENDANT: Okay.

9 THE COURT: You may think I'm slow, but that's
10 just me. I'm slow. We'll do it one thing at a time.

11 All right. Now, is there anything else from
12 point of view of the government?

13 MR. NOBLE: Judge, I don't know, for the
14 record, if we have filed a Motion for Final Order of
15 Forfeiture with regards to the sum of cash stolen from
16 the First National Bank in Big Sandy. The motion for
17 forfeiture does not include the sum from the bank in
18 Lancaster, just as things evolved. But we would ask the
19 court to grant that motion.

20 THE COURT: All right. Was that part of the
21 Plea Agreement?

22 MR. NOBLE: It was, your Honor.

23 THE COURT: Any objection?

24 MR. LEVINE: No objection, your Honor.

25 THE COURT: All right. Then I will grant that

1 motion, and I'll sign that order when it comes through on
2 the electronic system.

3 Anything else from the government?

4 MR. NOBLE: No, sir, your Honor.

5 THE COURT: No forfeiture of a weapon or
6 anything like that?

7 MR. NOBLE: No, sir.

8 THE COURT: All right. Typically remaining
9 counts, there is a motion to dismiss those.

10 MR. NOBLE: Yes, judge. We have yet to
11 sentence the codefendant in the case, and I will file
12 that motion or make that oral motion at that time.

13 THE COURT: Well, I don't see how the sentence
14 of the codefendant has to do with this defendant.

15 MR. NOBLE: Well, she's charged in Counts 1
16 and 2, your Honor; so, I --

17 THE COURT: Well, I can dismiss the counts as
18 to this defendant, right?

19 MR. NOBLE: Oh. Certainly, judge. Then we
20 would move to that effect.

21 THE COURT: Okay. No objection to that, I
22 take it.

23 MR. LEVINE: No objection, your Honor.

24 THE COURT: All right.

25 MR. LEVINE: Thank you.

1 THE COURT: All remaining counts that were not
2 covered in this sentence -- all remaining counts as to
3 this defendant are dismissed, not as to any other
4 defendant.

5 Okay. Anything else from the government, just
6 to be sure?

7 MR. NOBLE: No, sir, your Honor.

8 THE COURT: All right.

9 MR. NOBLE: Thank you.

10 THE COURT: Now, anything else from -- first
11 of all, let me ask counsel -- defendant's counsel. Is
12 there any other issue that I need to cover?

13 MR. LEVINE: Not that I'm aware of, your
14 Honor.

15 THE COURT: Okay. Mr. Patterson, you had said
16 you wanted to say something. Now here is your chance.
17 Please stand up.

18 THE DEFENDANT: I'm just not seeing how I'm
19 looking at 171 months, the high end, with the lack of
20 admissible evidence. I mean, I just -- I still haven't
21 seen -- they had said -- I got all the statements from
22 people from the bank, from the transfer of the court,
23 even from her; and no one seems to positively identify
24 the suspect.

25 THE COURT: Okay.

1 THE DEFENDANT: And like I said, I pointed out
2 to you where she lied several times throughout her
3 debrief. At the beginning of the court of her giving her
4 debrief, they said if she lied at any point in time, that
5 it would be disclosed -- discluded.

6 THE COURT: All right.

7 THE DEFENDANT: I mean, I feel like she should
8 be discredited due to the fact she been lying from the
9 beginning to the end. So, how can anybody say that what
10 she said is the truth to the fact? I wasn't there, you
11 wasn't there, my lawyer wasn't there, and Mr. Noble
12 wasn't there. Your whole investigation is based off what
13 she's saying, what she provided.

14 THE COURT: Okay.

15 THE DEFENDANT: And I don't --

16 THE COURT: I think, sir, you've heard me say
17 it; and I'll say it one more time. My sentence is based
18 on the information in the Presentence Investigation
19 Report which came from others. I read through it and
20 pointed out where it came from police officers, where it
21 came from other people, surveillance tapes and so forth.
22 It also came from the two Plea Agreements you signed and
23 from the two Factual Resumés that you signed. So, I
24 appreciate --

25 THE DEFENDANT: I will --

1 THE COURT: Wait. Wait. Let me finish, sir.

2 THE DEFENDANT: Yes, sir. Yes, sir.

3 THE COURT: So, I appreciate your position.
4 That's why I gave you notice -- or told you about your
5 notice of right to appeal.

6 And, so, at this time the defendant is
7 remanded to the custody of the United States Marshal and
8 then to the custody of the Federal Bureau of Prisons to
9 begin sentence.

10 Just to avoid -- well, just to avoid problems
11 later on, counsel, are you going to give notice of
12 appeal? I mean, there would be time -- I don't know if
13 you're involved in the appellate field or not but -- that
14 can be dealt with later. But if there is going to be a
15 notice, I want it out of the way as absolutely soon as
16 possible. If there is not going to be notice, that's
17 fine; but if there is going to be one, let's not be
18 having big arguments later on about timing or lawyers
19 were late or anything like that. That just complicates
20 things.

21 MR. LEVINE: I anticipate, your Honor, that he
22 wants to appeal. In fact, he is expressing as we stand
23 here that it is his desire to appeal. I will file that
24 tomorrow unless your Honor instructs me to file it today.
25 I certainly can do that when I get back to Dallas.

1 THE COURT: It would be difficult to file it
2 today because -- but if your client wants it filed, then
3 let's get it filed tomorrow; and that avoids --

4 MR. LEVINE: Yes, your Honor.

5 THE COURT: -- all of the problems of
6 procedure and everything else that comes up.

7 MR. LEVINE: Of course.

8 THE COURT: And that way the -- you don't need
9 the complaints, and I don't need to deal with those
10 procedural problems by not having it filed on time.
11 Okay?

12 MR. LEVINE: Yes, your Honor.

13 THE COURT: All right.

14 MR. LEVINE: Your Honor, if I may very
15 briefly. I anticipate it is not a surprise to the court
16 that there is a degree of animus, I believe, for lack of
17 a better word, that has developed over the course of our
18 representation. I believe that --

19 THE COURT: And I think I mentioned just a few
20 seconds ago that once the notice is filed, it would be
21 easy then to file the appropriate motions.

22 MR. LEVINE: Thank you. Thank you, your
23 Honor. I shall do that. I appreciate it. I know what
24 to file. Thank you, judge.

25 THE COURT: Okay. All right. In that case

1 counsel are excused. Defendant has been remanded to
2 custody.

3 And, again, ma'am --

4 Mr. Noble, would you sit down or move to your
5 right or left just a second? Yes.

6 Thank you very much for being here, ma'am. I
7 appreciate it. And I am gathering that may be your
8 husband or friend or somebody. Thank you. I know this
9 has been a long evening.

10 But at this time the defendant is remanded to
11 custody. Everyone else is excused, and the court is
12 adjourned.

13 And thank you for the -- and anyone from the
14 Clerk's Office and the CSO's office who is there, thank
15 you also for accommodating us going late. Thank you.

16 MR. NOBLE: Thank you, your Honor.

17 (Proceedings concluded, 6:13 p.m.)

18 COURT REPORTER'S CERTIFICATION

19 I HEREBY CERTIFY THAT ON THIS DATE, JULY 18,
20 2018, THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE
21 RECORD OF PROCEEDINGS.

22 /s/
23 CHRISTINA L. BICKHAM, RMR, CRR

24

25